

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KRISTINA FINK, on behalf of the Nation Safe
Drivers Employee Stock Ownership Plan, and on
behalf of a class of all other persons similarly situated,

Plaintiff,

Case No. 19-1193-CFC

-VS.-

WILMINGTON TRUST, N.A., as successor to
Wilmington Trust Retirement and Institutional
Services Company, ANDREW SMITH, MICHAEL
SMITH, and FRANK MENNELLA.

Defendants,

and

WILMINGTON TRUST, N.A., as successor to
Wilmington Trust Retirement and Institutional
Services Company.

Third-Party Plaintiff,

v.

STOUT RISIUS ROSS, INC. and
STOUT RISIUS ROSS, LLC,

Third-Party Defendants.

**DECLARATION OF LYNN LINCOLN SARKO IN SUPPORT OF
PLAINTIFF'S MOTION FOR ATTORNEYS' FEES, LITIGATION
EXPENSES AND CLASS REPRESENTATIVE SERVICE AWARDS**

Lynn Lincoln Sarko declares, pursuant to 28 U.S.C. §1746, under penalties of perjury that the following is true and correct:

1. I am an attorney licensed, active, and in good standing to practice law in Arizona, District of Columbia, Washington, and Wisconsin. I am the managing partner of the law firm of Keller Rohrbach LLP, and head of the firm's Complex Litigation group. I make this declaration in support of Plaintiffs' application for an award of attorney's fees.

2. I hold a BBA and an MBA in accounting and finance from the University of Wisconsin, and I am also a 1981 graduate of the University of Wisconsin Law School. I am currently licensed in good standing to practice law in the District of Columbia and the states of Washington, Wisconsin, and California. I have also been admitted to practice in several federal district courts and appellate courts across the country. A list of jurisdictions and courts in which I am admitted is set forth below:

United States Supreme Court
United States Tax Court
United States Court of Appeals for the 1st Circuit
United States Court of Appeals for the 2nd Circuit
United States Court of Appeals for the 3rd Circuit
United States Court of Appeals for the 4th Circuit
United States Court of Appeals for the 5th Circuit
United States Court of Appeals for the 6th Circuit

United States Court of Appeals for the 7th Circuit
United States Court of Appeals for the 8th Circuit
United States Court of Appeals for the 9th Circuit
United States Court of Appeals for the 10th Circuit
United States Court of Appeals for the 11th Circuit
United States Court of Appeals for the District of Columbia
United States District Court for the District of Colorado
United States District Court for the District of Columbia
United States District Court for the Central District of Illinois
United States District Court for the Northern District of Illinois
United States District Court for the Southern District of Illinois
United States District Court for the Eastern District of Michigan
United States District Court for the District of New Jersey
Washington State Supreme Court
United States District Court for the Eastern District of Washington
United States District Court for the Western District of Washington
United States District Court for the Eastern District of Wisconsin
United States District Court for the Western District of Wisconsin

Since 1981, I have represented plaintiffs in Employee Retirement Income Security Act of 1974 (“ERISA”) litigation and public benefit litigation in numerous jurisdictions across the country.

3. Prior to joining Keller Rohrback, I was an Assistant United States Attorney for the District of Columbia, an associate at the Washington D.C. office of Arnold & Porter, and a law clerk to the Honorable Jerome Farris, United States Court of Appeals for the Ninth Circuit. During my time in private practice my case load has included numerous ERISA and public benefit litigation cases. Since I

became managing partner of Keller Rohrback in 1981, as head of the Complex Litigation Group, I have overseen all our ERISA and employee benefit cases throughout the United States.

4. I have lectured and written on complex litigation, ERISA, and employee benefit cases at law schools and under the auspices of various organizations such as the American Bar Association, the Canadian Institute Advanced Forum on Pension Law, Governance and Solvency, ERISA Litigation & Regulatory Compliance Congress, the Bolch Judicial Institute at Duke Law School, and the American Conference Institute's National Forum on ERISA Litigation.

5. During the past 30 years my private practice case load has included numerous ERISA and public benefit litigation cases. I have been appointed class counsel for litigation and/or settlement purposes in numerous ERISA cases, examples of which are set forth below:

- *In re Enron Corp. ERISA Litig.*, MDL No. 02-1446 (S.D. Tex.);
- *In re WorldCom, Inc. ERISA Litig.*, No. 02-4816 (S.D.N.Y.);
- *In re AIG ERISA Litig.*, No. 04-09387 (S.D.N.Y.) and *In re AIG II ERISA Litig.*, No. 08-05722 (S.D.N.Y.);

- *In re Merrill Lynch & Co., Inc. Securities, Derivative & ERISA Litig.*, No. 07-10268 (S.D.N.Y.);
- *In re State Street Bank and Trust Co. ERISA Litig.*, No. 07-08488 (S.D.N.Y.);
- *Braden v. Wal-Mart Stores, Inc.*, No. 08-3109 (W.D. Mo.);
- *Madoff Direct & Feeder Fund Litig.*, No. 09-8278 (S.D.N.Y.);
- *In re Express Scripts / Anthem ERISA Litig.*, No. 16-3399 (S.D.N.Y.); and,
- *In re EpiPen ERISA Litigation*, No. 17-1884 (D. Minn.).

6. As a result of practicing in the employee benefits field almost continuously since 1990, I am familiar with many other lawyers who practice in the field. I am very familiar with the plaintiff-side bar with experience and expertise in litigating ERISA class actions.

7. My current billing rate for any employee benefit related matter is \$1,060.00 per hour. Based on my experience and knowledge of billing rates, I consider that to be a reasonable rate for attorneys with my years of experience in employee benefit litigation. Hourly rates for those who work in my firm's Complex Litigation Group, which is responsible for the firm's ERISA practice, range from \$450 to \$1,060 for partners, from \$350 to \$660 for associates, and from

\$260 to \$365 for paralegals. These are the hourly rates that we charge across the country regardless of the location.

8. As managing partner, I am responsible for conducting an annual survey of national billing rates and setting billing rates for Keller Rohrbach. As appointed counsel in litigation and/or settlement in ERISA cases, I have firsthand knowledge of current national ERISA billing rates charged by firms practicing in this area. These rates are necessary because of the complicated nature of employee benefit litigation and ERISA. ERISA class actions usually require extensive research even for experienced attorneys, entail difficult discovery, and take many years to resolve. Generally, the defendants, as here, are represented by major law firms. Because of these factors, attorneys must charge substantial fees. Even at these rates these cases, given their contingent nature, do not produce windfall profits for the attorneys who will handle them.

10. As more fully set forth below, I am familiar with the experience and abilities of the attorneys at Feinberg, Jackson, Worthman & Wasow LLP, co-counsel for the Plaintiff herein, having worked with one or the other of them on other ERISA cases. The attorneys at Feinberg, Jackson, Worthman & Wasow LLP are highly skilled and experienced in ERISA matters and are among the relatively few attorneys nationwide who will represent plaintiffs in complex and difficult

class actions.

11. I am also familiar with Greg Porter, and his firm, Bailey & Glasser LLP. Bailey & Glasser LLP has been co-counsel with my firm on numerous class actions, including several ERISA matters. Based on my experience, Mr. Porter is a highly skilled and experienced in ERISA matters and is among the few attorneys nationwide who will regularly handle affirmative suits concerning fiduciary breaches, including ESOP litigation.

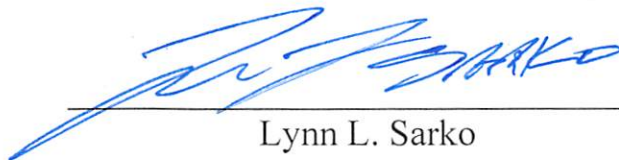
13. There are only a few law firms that have regularly represented plaintiffs in private company ESOP cases: Feinberg, Jackson, Worthman & Wasow LLP; Block & Leviton LLP; Cohen Milstein Sellers & Toll PLLC; Bailey & Glasser; and Keller Rohrback L.L.P. Thus, two of the five firms with experience and expertise in Employee Stock Ownership Plan (ESOP) litigation represent Plaintiff in this action. Mr. Feinberg and Mr. Porter have achieved excellent results for plaintiffs in a number of ESOP class actions.

14. I understand that the hourly rates requested by Plaintiff are as follows: For Feinberg Jackson, Mr. Feinberg (Partner) - \$975 (1988 law school graduate), other partners (ranging from \$650 to \$895 for law school graduates between 1998 and 2010), associate attorneys (ranging from \$375 to \$450 for law school graduates between 2016 and 2020), and paralegals (college graduates) (\$265). For

Bailey & Glasser, Mr. Porter (Partner) - \$850 (1996 law school graduate), other partners (ranging from \$650 to \$840 for law school graduates between 1987 and 2006), and for paralegals (college graduate) \$250 - \$265. Those rates are consistent with the rates charged by my firm and the national market for ERISA class action attorneys.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 27, 2020 in Santa Barbara, CA.



Lynn L. Sarko